

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1264 - SB 1350**

February 19, 2023

**SUMMARY OF BILL:** Requires a person, in order to be eligible for election or appointment to the office of constable, to be certified by a Tennessee-licensed healthcare provider qualified in the psychiatric or psychological field as being free from any impairment, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association at the time of the examination that would affect the applicant's ability to perform an essential function of the job. Requires a constable with law enforcement powers to, within 12 months of taking office, complete a training program that is at least equivalent to the training required for a law enforcement officer under standards established by the Peace Officer Standards and Training (POST) commission.

**FISCAL IMPACT:**

**Increase State Revenue – \$661,500/FY23-24 and Subsequent Years**

**Increase Local Revenue – \$661,500/FY23-24 and Subsequent Years**

**Other Fiscal Impact – There is a potential increase in state expenditures incurred by the Department of Commerce and Insurance up to \$207,900 per year resulting from subsidies provided to a constable attending a Tennessee Law Enforcement Training Academy.**

**Assumptions:**

- Any costs associated with psychiatric evaluations are assumed to be borne by private individuals.
- The costs of any such training required by this legislation will be borne by the private individuals who have taken the office of constable.
- However, it is not known what training is available for constables that would satisfy the requirements of this legislation. It is assumed that law enforcement training that is at least equivalent to standards established by the POST commission currently only exists in POST-certified courses, which are conducted at various places across the state, most if not all of which are public entities. The cost per student to complete one of these courses is typically \$3500.
- Based on information provided by the Tennessee Constables Association, there are currently 378 constable positions across the state.

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- Pursuant to Tenn. Code Ann. § 8-10-101(a)(1)-(2), the term for a constable can be established by a county to be for either two or four years. It is assumed the average term of office is two years.
- Therefore, it is assumed that each year, roughly half of all constables, or 189 constables (378 constables x 50%), in the state will be required to complete the required training.
- It is assumed they will be receiving the required training at a POST-certified academy run by a state or local entity. It is assumed that the total revenue received for providing the training will be split evenly between state and local entities.
- The total revenue generated each year from constables attending POST-certified training courses is estimated to be \$661,500 (189 constables x \$3,500).
- The increase in state revenue related to constable training is estimated to be \$330,750 (\$661,500 x 50%) in FY23-24 and subsequent years.
- The increase in local revenue related to constable training is estimated to be \$330,750 (\$661,500 x 50%) in FY23-24 and subsequent years.
- For every local law enforcement officer that completes POST-certified training at a Tennessee Law Enforcement Training Academy, the Department of Commerce and Insurance typically provides a subsidy of approximately \$1,100.
- It is unknown whether or not the training imposed by this legislation would result in similar subsidies for the training of constables. To the extent that it does, there would be an increase in state expenditures up to \$207,900 (189 constables x \$1,100) each year related to such.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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